

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF OKLAHOMA**

|     |                        |   |                    |
|-----|------------------------|---|--------------------|
| (1) | METROPOLITAN LIFE      | ) |                    |
|     | INSURANCE COMPANY,     | ) |                    |
|     |                        | ) |                    |
|     | Plaintiff,             | ) |                    |
| v.  |                        | ) | No. CIV-11-1505-HE |
|     |                        | ) |                    |
| (1) | JOHN ZONDOR,           | ) |                    |
| (2) | THE ESTATE OF CRYSTAL  | ) |                    |
|     | RACHELL ZONDOR,        | ) |                    |
| (3) | MCMAHANS FUNERAL HOME, | ) |                    |
| (4) | JOYCE GIBSON,          | ) |                    |
| (5) | APRIL MURRAY, and      | ) |                    |
| (6) | EDDIE GIBSON           | ) |                    |
|     |                        | ) |                    |
|     | Defendants.            | ) |                    |

**MOTION FOR ENTRY OF DEFAULT JUDGMENT BY COURT CLERK**

Defendants, Joyce Gibson, April Murray and Eddie Gibson, hereby request the Court Clerk to enter Default Judgment against John Zondor and McMahan's Funeral Home stating as follows:

1. Metropolitan Life Insurance Company filed its Complaint (Document #1) on December 28, 2011 wherein it sought to interplead life insurance benefits totaling the sum of \$111,000.00. Summons (Document #2) were thereafter issued electronically to all defendants, with the exception of The Estate of Crystal Rachell Zondor. There is no such estate.

2. Defendant McMahan's Funeral Service was duly served on 1/3/12 as evidenced by the Summons Returned Executed (Document #4) filed on 1/16/12.

3. Defendant John Zondor was duly served on 2/6/12 as evidenced by the Summons Returned Executed (Document #7) filed on 2/17/12.

4. Neither McMahans Funeral Service nor John Zondor have entered an appearance nor have they filed an Answer to the Complaint despite the passage of over sixty (60) days.

5. McMahans Funeral Home is a business and thus does not serve in the military. John Zondor, on the other hand, works for Dell, Inc., and is not believed to be serving in the military. (Affidavit attached as Exhibit 1).

WHEREFORE, Defendants, Joyce Gibson, April Murray and Eddie Gibson, request that the Court Clerk enter default judgment against McMahans Funeral Home and John Zondor.

**LAW OFFICES OF MARK S. COOPER, P.C.**

\_\_\_\_\_/s/ Mark S. Cooper\_\_\_\_\_  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this 3rd day of May, 2012, I electronically transmitted the attached document to the Clerk of Court using the ECF System for filing. Based on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

Lisa Traylor Silvestri  
Erin K. Dailey  
1100 ONEOK Plaza  
100 West 5<sup>th</sup> Street  
Tulsa, OK 74103-4217

\_\_\_\_\_/s/ Mark S. Cooper\_\_\_\_\_  
MARK S. COOPER